



FISCAL MEMORANDUM

SB 1038 - HB 1365

March 20, 2023

SUMMARY OF BILL AS AMENDED (006156): Revises and clarifies procedures related to criminal history background checks for certain individuals under consideration for positions of trust and responsibility in state government. Clarifies the procedures related to criminal history background checks for those seeking to operate or be employed by a licensed child care agency. Requires a criminal history background check be conducted on individuals applying or being considered for the following positions: 1) a commissioner of a department of the executive branch; (2) a general counsel position at a department of the executive branch; (3) a pilot employed by the Tennessee Department of Transportation; and (4) law enforcement personnel entrusted with the protection of the Governor. Deletes the requirement for any paid or volunteer member or applicant of a fire department or fire prevention bureau or division to agree to the release of information and investigative records to the employer, or to any agency that contracts with the state, for the purpose of verifying whether the individual has been convicted of a felony or any theft or arson related conviction.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The revisions related to criminal history background procedures for those under consideration for positions of trust and responsibility in state government do not significantly change the current procedures, and are not estimated to significantly impact the total number of such checks conducted, nor the revenue and expenditures resulting from such.
- According to the Department of Human Services (DHS), the revisions to the procedures related to criminal history background checks for those seeking to operate or be employed by a license child care agency do not significantly alter current procedure, but rather serve to further clarify current procedure. As such, those revisions are not estimated to significantly impact the total number of such checks conducted, nor the revenue and expenditures resulting from such. Any fiscal impact to the DHS is estimated to be not significant.
- Requiring criminal history background checks for those applying or being considered for the various additional positions in the executive branch is assumed to result in a modest increase in the number of criminal history background checks conducted by the Tennessee Bureau of Investigation (TBI) each year. The precise number of additional

checks is not known. According to the TBI, any fiscal impact related to these checks is estimated to be not significant.

- Deleting the requirement for fire protection personnel to agree to the release of certain information and investigative records will not significantly impact the policies or operations of any fire protection agency or other state or local government entity.
- Any fiscal impact to state government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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